

KIRBY AISNER & CURLEY LLP  
*Proposed Substitute Attorneys for the Debtors*  
*ERBO Properties LLC and Kova 521 LLC*  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

ERBO PROPERTIES LLC, et. al.<sup>1</sup>,  
Chapter 11  
Case No. 23-10210 (LGB)  
Jointly Administered  
Debtors.

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**DECLARATION RELATING TO PAYMENT OF  
THIRD-PARTY RETAINER**

Eran Silverberg, hereby affirms the following:

1. I am a managing member of SME Capital Ventures LLC, the managing member of 541 W 21 SME LLC ("SME"), and payor of \$20,000.00 to the proposed substitute bankruptcy counsel for debtors Erbo Properties LLC ("Erbo") and Kova 521 LLC ("Kova").
2. I submit this Declaration in support of the application filed by Erbo and Kova, debtors and debtors-in-possession in the above-captioned chapter 11 cases to retain Kirby Aisner & Curley LLP (the "KAC Firm") as their substitute bankruptcy counsel.
3. In order to secure the KAC Firm's services to Erbo and Kova, Payor agreed to pay the required retainer and to fund such other fees and expenses that may be incurred in connection with these Chapter 11 cases if necessary, subject to approval of such fees and expenses by the Bankruptcy Court.

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<sup>1</sup> The Debtors are ERBO Properties LLC (EIN x9179), Case No.: 23-10210; KOVA 521, LLC (EIN x9972), Case No.: 23-10211, and Gold Mezz LLC (EIN x4741).

4. Payor consulted with its own counsel regarding the payment of the retainer to the KAC Firm and understands the implications of doing so and the substance of the representations made in this Declaration. In connection therewith, Payor understands that the undivided loyalty of the KAC Firm to Erbo and Kova, notwithstanding the source of its retainer fee.

5. Payor is not a creditor of Erbo and Kova and does not have an intention of asserting a claim against their estates for the advancement of the retainer to the KAC Firm.

Dated: New York, New York  
August 3, 2023

SME CAPITAL VENTURES, LLC

By: /s/ Eran Silverberg  
Name: Eran Silverberg  
Title: Managing Member